

**LEGISLATIVE SERVICES AGENCY
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

301 State House
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FISCAL IMPACT STATEMENT

LS 7556

BILL NUMBER: SB 425

DATE PREPARED: Dec 29, 2000

BILL AMENDED:

SUBJECT: Anhydrous Ammonia.

FISCAL ANALYST: Sherry Fontaine

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FUNDS AFFECTED: ☒ **GENERAL**
☒ **DEDICATED**
FEDERAL

IMPACT: State & Local

Summary of Legislation: This bill specifies that a violation of the rules of the State Chemist concerning agricultural ammonia is a Class C infraction. The bill makes it a Class C felony to commit: (1) criminal mischief related to, theft of, or criminal conversion of anhydrous ammonia or anhydrous ammonia equipment; or (2) possession of anhydrous ammonia with intent to manufacture methamphetamine. It makes possession of anhydrous ammonia or two or more chemical reagents or precursors with intent to manufacture methamphetamine a Class B felony if the substances are possessed on a school bus or within 1,000 feet of a school, family housing project, or public park. The bill also exempts a person from civil liability that results from the unlawful possession, storage, damaging, or defacing of anhydrous ammonia or anhydrous ammonia equipment.

Effective Date: July 1, 2001.

Explanation of State Expenditures: This bill creates penalties (Class C and B felonies) for offenses related to the storage, transport, and possession of anhydrous ammonia, as well as creates a penalty (Class C infraction) for a violation of the rules of the State Chemist concerning agricultural ammonia.

A Class C felony is punishable by a prison term ranging from two to eight years depending upon mitigating and aggravating circumstances. A Class B felony is punishable by a prison term ranging from six to twenty years depending upon mitigating and aggravating circumstances. The average expenditure to house an adult offender was \$20,700 in FY 1999. Individual facility expenditures ranged from \$14,936 to \$37,807. (This does not include the cost of new construction.) If offenders can be housed in existing facilities with no additional staff, the average cost for medical care, food, and clothing is approximately \$1,825 annually, or \$5 daily, per prisoner. The average length of stay in Department of Correction (DOC) facilities for all Class C felony offenders is approximately two years. The average length of stay in DOC facilities for all Class B felony offenders is approximately three years, six months.

Explanation of State Revenues: If additional court cases occur and fines are collected, revenue to both the Common School Fund and the state General Fund would increase. The maximum fine for a Class C felony and a Class B felony is \$10,000. Criminal fines are deposited in the Common School Fund. If the case is filed in a circuit, superior, or county court, 70% of the \$120 court fee that is assessed and collected when a guilty verdict is entered would be deposited in the state General Fund. If the case is filed in a city or town court, 55% of the fee would be deposited in the state General Fund.

The maximum judgment for a Class C infraction is \$500 which is deposited in the state General Fund. If court actions are filed and a judgment is entered, a court fee of \$70 would be assessed. 70% of the court fee would be deposited in the state General Fund if the case is filed in a court of record or 55% if the case is filed in a city or town court.

Explanation of Local Expenditures: If more defendants are detained in county jails prior to their court hearings, local expenditures for jail operations may increase. The average cost per day is approximately \$44.

Explanation of Local Revenues: If additional court actions occur and a guilty verdict is entered, local governments would receive revenue from the following sources: (1) The county general fund would receive 27% of the \$120 court fee that is assessed in a court of record. Cities and towns maintaining a law enforcement agency that prosecutes at least 50% of its ordinance violations in a court of record may receive 3% of court fees. If the case is filed in a city or town court, 20% of the court fee would be deposited in the county general fund and 25% would be deposited in the city or town general fund. (2) A \$3 fee would be assessed and, if collected, would be deposited into the county law enforcement continuing education fund. (3) A \$2 jury fee is assessed and, if collected, would be deposited into the county user fee fund to supplement the compensation of jury members.

State Agencies Affected: Department of Correction.

Local Agencies Affected: Trial courts, local law enforcement agencies.

Information Sources: Indiana Sheriffs Association, Department of Correction.